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**UNITED STATES DISTRICT COURT  
 CENTRAL DISTRICT OF CALIFORNIA**

DAN BOZIN, individually and on  
 behalf of all others similarly situated,

Plaintiff,

vs.

COLLECTO INC. dba EOS CCA,  
 Defendant.

) Case No.

) **CLASS ACTION**

) **COMPLAINT FOR VIOLATIONS  
 OF:**

1. NEGLIGENT VIOLATIONS  
 OF THE TELEPHONE  
 CONSUMER PROTECTION  
 ACT [47 U.S.C. §227 ET  
 SEQ.]
2. WILLFUL VIOLATIONS  
 OF THE TELEPHONE  
 CONSUMER PROTECTION  
 ACT [47 U.S.C. §227 ET  
 SEQ.]

) **DEMAND FOR JURY TRIAL**

Plaintiff Dan Bozin (“Plaintiff”), individually and on behalf of all others  
 similarly situated, alleges the following upon information and belief based upon  
 personal knowledge:

**NATURE OF THE CASE**

1  
2 1. Plaintiff brings this action individually and on behalf of all others  
3 similarly situated seeking damages and any other available legal or equitable  
4 remedies resulting from the illegal actions of Collecto Inc. dba EOS CCA  
5 Defendant”), in negligently, knowingly, and/or willfully contacting Plaintiff on  
6 Plaintiff’s cellular telephone in violation of the Telephone Consumer Protection  
7 Act, 47 U.S.C. § 227 *et seq.* (“TCPA”), thereby invading Plaintiff’s privacy.

**JURISDICTION & VENUE**

8  
9 2. Jurisdiction is proper under 28 U.S.C. § 1332(d)(2) because Plaintiff,  
10 a resident of California, seeks relief on behalf of a Class, which will result in at  
11 least one class member belonging to a different state than that of Defendant, a  
12 company with its principal place of business and State of Incorporation in  
13 Massachusetts. Plaintiff also seeks up to \$1,500.00 in damages for each call in  
14 violation of the TCPA, which, when aggregated among a proposed class in the  
15 thousands, exceeds the \$5,000,000.00 threshold for federal court jurisdiction.  
16 Therefore, both diversity jurisdiction and the damages threshold under the Class  
17 Action Fairness Act of 2005 (“CAFA”) are present, and this Court has jurisdiction.

18 3. Venue is proper in the United States District Court for the Central  
19 District of California pursuant to 18 U.S.C. 1391(b) and 18 U.S.C. § 1441(a)  
20 because Defendant does business within the State of California, the County of Los  
21 Angeles, and within the Central District of California.

**PARTIES**

22  
23 4. Plaintiff, Dan Bozin (“Plaintiff”), is a natural person residing in Los  
24 Angeles, California and is a “person” as defined by 47 U.S.C. § 153 (10).

25 5. Defendant, Collecto Inc. dba EOS CCA (“Defendant”), is a company  
26 involved in consumer debt buying and recovery/collection and is a “person” as  
27 defined by 47 U.S.C. § 153 (10).

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**FACTUAL ALLEGATIONS**

6. Beginning in and around August of 2015, Defendant contacted Plaintiff on his cellular telephone in an attempt to collect an alleged outstanding debt originating from AT&T.

7. Defendant contacted or attempted to contact Plaintiff from telephone number (844)845-6551.

8. Furthermore, during all relevant times, Defendant used an “automatic telephone dialing system”, as defined by *47 U.S.C. § 227(a)(1)* to place its daily calls to Plaintiff seeking to collect the debt allegedly owed

9. Defendant’s calls constituted calls that were not for emergency purposes as defined by *47 U.S.C. § 227(b)(1)(A)*.

10. Defendant’s calls were placed to telephone number assigned to a cellular telephone service for which Plaintiff incurs a charge for incoming calls pursuant to *47 U.S.C. § 227(b)(1)*.

11. During all relevant times, Defendant did not possess Plaintiff’s “prior express consent” to receive calls using an automatic telephone dialing system or an artificial or prerecorded voice on her cellular telephone pursuant to *47 U.S.C. § 227(b)(1)(A)*.

**CLASS ALLEGATIONS**

12. Plaintiff brings this action individually and on behalf of all others similarly situated, as a member of the proposed class (hereafter “The Class”) defined as follows:

All persons within the United States who received any collection telephone calls from Defendant to said person’s cellular telephone made through the use of any automatic telephone dialing system or an artificial or prerecorded voice and such person had not previously consented to receiving such calls within the four years prior to the filing of this Complaint

1           13. Plaintiff represents, and is a member of, The Class, consisting of All  
2 persons within the United States who received any collection telephone calls from  
3 Defendant to said person's cellular telephone made through the use of any  
4 automatic telephone dialing system or an artificial or prerecorded voice and such  
5 person had not previously not provided their cellular telephone number to  
6 Defendant within the four years prior to the filing of this Complaint.

7           14. Defendant, its employees and agents are excluded from The Class.  
8 Plaintiff does not know the number of members in The Class, but believes the Class  
9 members number in the thousands, if not more. Thus, this matter should be  
10 certified as a Class Action to assist in the expeditious litigation of the matter.

11           15. The Class is so numerous that the individual joinder of all of its  
12 members is impractical. While the exact number and identities of The Class  
13 members are unknown to Plaintiff at this time and can only be ascertained through  
14 appropriate discovery, Plaintiff is informed and believes and thereon alleges that  
15 The Class includes thousands of members. Plaintiff alleges that The Class  
16 members may be ascertained by the records maintained by Defendant.

17           16. Plaintiff and members of The Class were harmed by the acts of  
18 Defendant in at least the following ways: Defendant illegally contacted Plaintiff  
19 and Class members via their cellular telephones thereby causing Plaintiff and Class  
20 members to incur certain charges or reduced telephone time for which Plaintiff and  
21 Class members had previously paid by having to retrieve or administer messages  
22 left by Defendant during those illegal calls, and invading the privacy of said  
23 Plaintiff and Class members.

24           17. Common questions of fact and law exist as to all members of The  
25 Class which predominate over any questions affecting only individual members of  
26 The Class. These common legal and factual questions, which do not vary between  
27 Class members, and which may be determined without reference to the individual  
28 circumstances of any Class members, include, but are not limited to, the following:

- a. Whether, within the four years prior to the filing of this Complaint, Defendant made any collection call (other than a call made for emergency purposes or made with the prior express consent of the called party) to a Class member using any automatic telephone dialing system or any artificial or prerecorded voice to any telephone number assigned to a cellular telephone service;
- b. Whether Plaintiff and the Class members were damages thereby, and the extent of damages for such violation; and
- c. Whether Defendant should be enjoined from engaging in such conduct in the future.

18. As a person that received numerous collection calls from Defendant using an automatic telephone dialing system or an artificial or prerecorded voice, without Plaintiff's prior express consent, Plaintiff is asserting claims that are typical of The Class.

19. Plaintiff will fairly and adequately protect the interests of the members of The Class. Plaintiff has retained attorneys experienced in the prosecution of class actions.

20. A class action is superior to other available methods of fair and efficient adjudication of this controversy, since individual litigation of the claims of all Class members is impracticable. Even if every Class member could afford individual litigation, the court system could not. It would be unduly burdensome to the courts in which individual litigation of numerous issues would proceed. Individualized litigation would also present the potential for varying, inconsistent, or contradictory judgments and would magnify the delay and expense to all parties and to the court system resulting from multiple trials of the same complex factual issues. By contrast, the conduct of this action as a class action presents fewer management difficulties, conserves the resources of the parties and of the court

1 system, and protects the rights of each Class member.

2 21. The prosecution of separate actions by individual Class members  
3 would create a risk of adjudications with respect to them that would, as a practical  
4 matter, be dispositive of the interests of the other Class members not parties to such  
5 adjudications or that would substantially impair or impede the ability of such non-  
6 party Class members to protect their interests.

7 22. Defendant has acted or refused to act in respects generally applicable  
8 to The Class, thereby making appropriate final and injunctive relief with regard to  
9 the members of the California Class as a whole.

### 10 **FIRST CAUSE OF ACTION**

#### 11 **Negligent Violations of the Telephone Consumer Protection Act**

#### 12 **47 U.S.C. §227 et seq.**

13 23. Plaintiff repeats and incorporates by reference into this cause of  
14 action the allegations set forth above at Paragraphs 1-22.

15 24. The foregoing acts and omissions of Defendant constitute numerous  
16 and multiple negligent violations of the TCPA, including but not limited to each  
17 and every one of the above cited provisions of *47 U.S.C. § 227 et seq.*

18 25. As a result of Defendant's negligent violations of *47 U.S.C. § 227 et*  
19 *seq.*, Plaintiff and the Class Members are entitled an award of \$500.00 in statutory  
20 damages, for each and every violation, pursuant to *47 U.S.C. § 227(b)(3)(B)*.

21 26. Plaintiff and the Class members are also entitled to and seek  
22 injunctive relief prohibiting such conduct in the future.

### 23 **SECOND CAUSE OF ACTION**

#### 24 **Knowing and/or Willful Violations of the Telephone Consumer Protection** 25 **Act**

#### 26 **47 U.S.C. §227 et seq.**

27 27. Plaintiff repeats and incorporates by reference into this cause of  
28 action the allegations set forth above at Paragraphs 1-26.

28. The foregoing acts and omissions of Defendant constitute numerous and multiple knowing and/or willful violations of the TCPA, including but not limited to each and every one of the above cited provisions of *47 U.S.C. § 227 et seq.*

29. As a result of Defendant's knowing and/or willful violations of *47 U.S.C. § 227 et seq.*, Plaintiff and the Class members are entitled an award of \$1,500.00 in statutory damages, for each and every violation, pursuant to *47 U.S.C. § 227(b)(3)(B)* and *47 U.S.C. § 227(b)(3)(C)*.

30. Plaintiff and the Class members are also entitled to and seek injunctive relief prohibiting such conduct in the future.

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff requests judgment against Defendant for the following:

### **FIRST CAUSE OF ACTION**

#### **Negligent Violations of the Telephone Consumer Protection Act**

#### ***47 U.S.C. §227 et seq.***

- As a result of Defendant's negligent violations of *47 U.S.C. §227(b)(1)*, Plaintiff and the Class members are entitled to and request \$500 in statutory damages, for each and every violation, pursuant to *47 U.S.C. 227(b)(3)(B)*.
- Any and all other relief that the Court deems just and proper.

### **SECOND CAUSE OF ACTION**

#### **Knowing and/or Willful Violations of the Telephone Consumer Protection Act**

#### ***47 U.S.C. §227 et seq.***

- As a result of Defendant's willful and/or knowing violations of *47 U.S.C. §227(b)(1)*, Plaintiff and the Class members are entitled to and request treble damages, as provided by statute, up to \$1,500, for each and every violation, pursuant to *47 U.S.C. §227(b)(3)(B)* and *47*

1           *U.S.C. §227(b)(3)(C).*

- 2           • Any and all other relief that the Court deems just and proper.

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4       Respectfully Submitted this 1<sup>st</sup> Day of October, 2015.

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6                               LAW OFFICES OF TODD M. FRIEDMAN, P.C.

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8                               By: /s/ Todd M. Friedman  
9                               Todd M. Friedman  
10                              Law Offices of Todd M. Friedman  
11                              Attorney for Plaintiff  
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